

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN DAVIS, SR., et al.,

Plaintiffs,

Case No. 1:24-cv-88

v.

HONORABLE PAUL L. MALONEY

COUNTY OF BERRIEN, et al.,

Defendants.

/

NOTICE OF IMPENDING DISMISSAL

The court records indicate that more than 60 days have passed from the filing of the above complaint and Defendants Taylor Koch, Jonathan Bowman, City of Benton Harbor, Daniel E. McGinnis, Benton Harbor Housing Commission, Cindy Drake-Collier, Township of Benton Harbor, State of Michigan, Michigan State Police, Michigan Department of Health and Human Services, Rebecca Wright, Kevin Mackin, Marcia L. Fudge, and Department of Housing and Urban Development have not been served. This notice serves to inform Plaintiffs that the action shall be dismissed without prejudice as to Defendants Taylor Koch, Jonathan Bowman, City of Benton Harbor, Daniel E. McGinnis, Benton Harbor Housing Commission, Cindy Drake-collier, Township of Benton Harbor, State of Michigan, Michigan State Police, Michigan Department of Health and Human Services, Rebecca Wright, Kevin Mackin, Marcia L. Fudge, and Department of Housing and Urban Development, unless Plaintiffs complete service of process within 90 days after the filing of the complaint, in accordance with FED. R. CIV. P. 4(m).

To avoid dismissal pursuant to Rule 4(m), if more than 90 days are necessary for service of process, counsel must execute a verified petition regarding Service of Process, advising the Court:

- A. That the case should not be dismissed as to the unserved defendant(s);
- B. That the failure to obtain service upon the defendant(s) is not due to the fault of the party or counsel seeking to avoid dismissal;
- C. The reasons why the case against the unserved defendant(s) should not be dismissed, set forth in detail; and
- D. That service will be effected on the defendant(s) within twenty-eight (28) days of the date of the petition.

This petition must be filed with the Court on or before **May 15, 2024**. By executing the petition regarding Service of Process, you need not appear in support thereof until and/or unless so notified by the Court. If the Court is satisfied that the case should not be dismissed as to Defendants Taylor Koch, Jonathan Bowman, City of Benton Harbor, Daniel E. McGinnis, Benton Harbor Housing Commission, Cindy Drake-collier, Township of Benton Harbor, State of Michigan, Michigan State Police, Michigan Department of Health and Human Services, Rebecca Wright, Kevin Mackin, Marcia L. Fudge, and Department of Housing and Urban Development, you will be so notified. If dismissal of the case as to Defendants Taylor Koch, Jonathan Bowman, City of Benton Harbor, Daniel E. McGinnis, Benton Harbor Housing Commission, Cindy Drake-collier, Township of Benton Harbor, State of Michigan, Michigan State Police, Michigan Department of Health and Human Services, Rebecca Wright, Kevin Mackin, Marcia L. Fudge, and Department of Hosuing and Urban Development is satisfactory to you, no action is required. An Order of Dismissal shall be issued.

Dated: May 1, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge